

**Senate File 2211 - Introduced**

SENATE FILE 2211  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3076)

**A BILL FOR**

1 An Act relating to the civil commitment of a sexually violent  
2 predator.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 229A.2, Code 2014, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 2A. "*Convicted*" means found guilty of,  
4 pleads guilty to, or is sentenced or adjudicated delinquent  
5 for an act which is an indictable offense in this state or in  
6 another jurisdiction including in a federal, military, tribal,  
7 or foreign court, including but not limited to a juvenile who  
8 has been adjudicated delinquent, but whose juvenile court  
9 records have been sealed under section 232.150, and a person  
10 who has received a deferred sentence or a deferred judgment  
11 or has been acquitted by reason of insanity. "*Conviction*"  
12 includes the conviction of a juvenile prosecuted as an adult.  
13 "*Convicted*" also includes a conviction for an attempt or  
14 conspiracy to commit an offense. "*Convicted*" does not mean a  
15 plea, sentence, adjudication, deferred sentence, or deferred  
16 judgment which has been reversed or otherwise set aside.

17 Sec. 2. Section 229A.9A, subsection 2, Code 2014, is amended  
18 to read as follows:

19 2. If release with or without supervision is ordered, the  
20 department of human services shall prepare within ~~thirty~~ sixty  
21 days of the order of the court a release plan addressing the  
22 person's needs for counseling, medication, community support  
23 services, residential services, vocational services, alcohol  
24 or other drug abuse treatment, sex offender treatment, or any  
25 other treatment or supervision necessary.

26 Sec. 3. Section 232.55, subsection 2, paragraph a, Code  
27 2014, is amended to read as follows:

28 a. Adjudication and disposition proceedings under this  
29 division are not admissible as evidence against a person in a  
30 subsequent proceeding in any other court before or after the  
31 person reaches majority except in a proceeding pursuant to  
32 chapter 229A or in a sentencing proceeding after conviction  
33 of the person for an offense other than a simple or serious  
34 misdemeanor.

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EXPLANATION

1           The inclusion of this explanation does not constitute agreement with  
2           the explanation's substance by the members of the general assembly.

3           This bill relates to the definition of a sexually violent  
4 predator for purposes of civil commitment procedures.

5           For purposes of determining whether a person has previously  
6 been convicted of a sexually violent offense for civil  
7 commitment as a sexually violent predator, the bill defines  
8 "convicted" to mean found guilty of, pleads guilty to, or is  
9 sentenced or adjudicated delinquent for an act which is an  
10 indictable offense in this state or in another jurisdiction  
11 including in a federal, military, tribal, or foreign  
12 court, including but not limited to a juvenile who has been  
13 adjudicated delinquent, but whose juvenile court records have  
14 been sealed under Code section 232.150, and a person who has  
15 received a deferred sentence or a deferred judgment or has been  
16 acquitted by reason of insanity. "Conviction" includes the  
17 conviction of a juvenile prosecuted as an adult. "Convicted"  
18 also includes a conviction for an attempt or conspiracy to  
19 commit an offense. "Convicted" does not mean a plea, sentence,  
20 adjudication, deferred sentence, or deferred judgment which  
21 has been reversed or otherwise set aside. Current law does  
22 not define "conviction" in Code chapter 229A. The term  
23 "conviction" generally does not include deferred judgments or  
24 juvenile adjudications.

25           The bill extends the time period the department of human  
26 services has to prepare a release plan for a person committed  
27 as a sexually violent predator who is ordered released by  
28 the court from 30 days to 60 days. Code section 229A.9A(3)  
29 prohibits a committed person from being released prior to the  
30 court setting a hearing on the release plan developed by the  
31 department of human services.

32           Code section 232.55 is amended to permit the use of juvenile  
33 delinquency proceedings as evidence in the civil commitment  
34 proceeding of a sexually violent predator under Code chapter  
35 229A.